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Date: July 26, 2001 By: Jeffrey Gillis
Jeffrey Gillis

PATENT

Attorney Docket No.
DX0612K1B

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE TECH CENTER 1600/2900

In re application of:

D. Gorman, et al.

Serial No.: 09/545,998

Filed: April 10, 2000

For: MAMMALIAN CELL SURFACE
ANTIGENS; RELATED REAGENTS

Examiner: M. Tung

Art Unit: 1644

RESPONSE TO RESTRICTION
REQUIREMENT

Palo Alto, California 94304

July 26, 2001

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

This is a response to the Restriction Requirement (paper number 3), dated July 3, 2001.

I. Restriction Requirement

The Examiner restricted the application into 8 separate inventions:

- I. Claims 1-5 and 12 drawn to the 312C2 protein, a fusion protein and composition, classified in class 530, subclass 350; class 424, subclass 185.1; class 514, subclass 21.
- II. Claims 6, 7 and 12 drawn to an antibody, classified in class 530, subclass 387.9.
- III. Claim 8, drawn to a method of purifying 312C2 protein, classified in class 530, subclass 413.

- IV. Claims 9-11, 12, 17, 19 and 20, drawn to a nucleic acid, vector, and a method of expressing 312C2 protein, classified in class 536, subclass 23.5, class 435, subclasses 69.1 and 320.1.
- V. Claim 13, drawn to a method for detecting 312C protein, classified in class 435, subclass 4.
- VI. Claims 14-16, drawn to a method of modulating a cell, classified in class 435, subclasses 69.1, 375, and 377.
- VII. Claim 18, drawn to a tissue, cell or organism, classified in class 435, subclasses 325 or 347, or class 800, subclass 2.
- VIII. Claims 21 and 22, drawn to a method of treating a mammal, classified in class 424, subclasses 139.1 or 185.1, or class 514, subclass 44.

Applicants provisionally elect, with traverse, Group II, Claims 6, 7, and 12 whose claims are drawn to an antibody, classified in class 530, subclass 387.9. Applicants submit that examination of the claim of Group III, Claim 8, together with the claims of Group II would not be a serious burden to the Examiner. Claim 8 encompasses a method of using the antibody of the claims of Group II. Therefore, rejoinder of Groups II and III, Claims 6, 7, 8, and 12, is respectfully requested.

Applicants will address the issue of inventorship for the elected claims and amend inventorship appropriately if the elected restriction is made final.

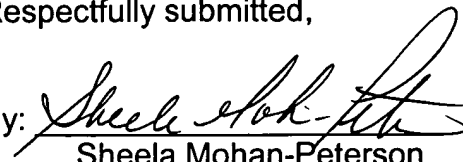
Applicants reserve the right to file subsequent applications claiming the non-elected subject matter and do not waive any of their rights or abandon any non-elected subject matter. Since Applicants have fully and completely responded to the Restriction Requirement and have made the required election, this application is now in order for early action.

If the Examiner believes that a telephone conference would aid the prosecution of this case in any way, please call the undersigned.

Respectfully submitted,

5 Date: July 26, 2001

By:



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